

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DR. MARKCUS KITCHENS, JR.</b>	:	CIVIL ACTION
	:	
v.	:	NO. 22-3301
	:	
<b>UNITED STATES MEDICAL LICENSING EXAMINATION</b>	:	

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of March 2023, it is **ORDERED**:

1. All fact discovery shall be completed no later than **April 21, 2023**.
2. All expert discovery shall be completed no later than **April 21, 2023**.
3. Affirmative expert reports shall be served no later than **April 7, 2023**. Responsive expert reports, if any, shall be served no later than **April 18, 2023**. Expert depositions, if any, shall be concluded no later than **April 21, 2023**.
4. Any party expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to the issues of liability and damages shall, at the time required for submission of information and/or reports for expert witnesses on liability and damages set forth in the preceding paragraph, serve opposing parties with concise details and/or documents covering the lay opinions of the Rule 701 witnesses, including the identity of each witness offering the expert opinion, the substance and the basis for each opinion.
5. This matter is referred to Magistrate Judge Carol Sandra Moore Wells for all settlement purposes. Counsel shall participate in a settlement conference before Magistrate Judge Carol Sandra Moore Wells. The parties shall contact Magistrate Judge Wells's Chambers to schedule the settlement conference for a time that Magistrate Judge Wells deems appropriate.
6. In light of the short timeframe and the Court's understanding of the facts as

presented during the preliminary injunction hearing, it is unlikely that there will be no dispute of material fact, and more likely that a trial will be required to resolve factual disputes. For that reason, motions for summary judgment shall not be filed without permission. The parties may, if they wish, file brief letters by 10:00 a.m. on the morning of **April 24, 2023** outlining any issues on which they would move for summary judgment and the basis for doing so. If either party files such a letter, then the parties will participate in a videoconference by Microsoft Teams on **April 24, 2023** at **2:00 p.m.** to discuss whether summary judgment motion(s) will be allowed.

7. Further dates will be scheduled as needed, at a later time.

8. Counsel shall follow Judge Murphy's Policies and Procedures which can be found at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

  
MURPHY, J.